

Law which provides for the Prevention of Violence  
in the Family and Protection of Victims

**PART I - Introduction**

The House of Representatives enacts as follows:

Short title	1. This Law shall be sited as the Violence in the Family (Prevention and Protection of Victims) Law 2000.
Interpretation	<p>2. In this Law unless the context otherwise requires:-</p> <p>"appropriate person" for purposes of section 10 of this Law includes any police officer, family counsellor or welfare officer;</p> <p>"Committee" means the Advisory Committee, constituted under section 7 of this Law;</p> <p>"Court" means a President of a District Court or a Senior District Judge;</p> <p>"declaration" includes any account of facts made either in words or in any other form;</p> <p>"Family Counsellor" means the Family Counsellor appointed under section 6 of this Law;</p> <p>"marital home" means the place where the victim of violence has his usual residence irrespective of the fact that such place belongs to either of the spouses or other tenants or of their ownership percentages;</p> <p>"members of the family" means-</p> <p>(a) husband and wife who-</p> <p style="padding-left: 40px;">(i) are legally married irrespective of whether or not the marriage exists, or</p> <p style="padding-left: 40px;">(ii) are or were cohabiting as husband and wife;</p> <p>(b) the parents of the persons referred to in paragraph (a);</p> <p>(c) children of the persons referred to in paragraph (a) irrespective of whether the children are the natural or adopted children of either or both of these persons as well as the grandchildren of the persons referred to in paragraph (a);</p> <p>(d) any minor residing with any of the above mentioned persons.</p> <p>"Minister" means the Minister of Labour and Social Insurance;</p> <p>"Minor" means any person under eighteen years old.</p> <p>"Psychiatrist" means a doctor registered under the Registration of Doctors Law, recognised as a specialist of psychiatry under the Doctors (Special Qualifications) Regulations;</p>

Official  
Gazette,  
Third Annex.  
11.4.1986  
3.3.1988  
27.7.1990  
17.4.1991  
27.5.1994

68(I) of 1995  
104 (I) of 1991  
17(1) of 1999

"Psychologist" means the professional psychologist registered under the Registration of Professional Psychologists Law;

"self control treatment" means the treatment mentioned in section 25 of this Law;

"statement" includes an interview;

"typing" includes printing in any form;

"video recording" means the recording by the use of any means in moving pictures of objects, facts, organisations or persons either in a moving or speaking form which can be reproduced and presented by the use of any technical means;

"violence" means the violence defined in section 3.

## **PART II - Meaning of Violence**

Meaning of violence  
and its scope.

3.-(1) For the purposes of this Law, violence means any unlawful act, omission or behaviour which results in the direct infliction of physical, sexual or mental injury to any member of the family by another member of the family and includes violence used for purpose of sexual intercourse without the consent of the victim as well as for the purpose of restricting its liberty.

(2) Without prejudice to the meaning of "violence" under subsection (1) above, the offences referred to in sections 4(2) and 5 of this Law as well as the offence referred to in section 147 of the Criminal Code shall fall within the said meaning.

Cap. 154  
3 of 1962  
43 of 1963  
41 of 1964  
69 of 1964  
70 of 1965  
5 of 1967  
58 of 1967  
44 of 1972  
92 of 1972  
29 of 1973  
59 of 1974  
3 of 1975  
13 of 1979  
10 of 1981  
46 of 1982  
86 of 1983  
186 of 1986  
111 of 1989  
236 of 1991  
6(I) of 1994  
3(I) of 1996  
99(I) of 1996  
36(I) of 1997  
40(I) of 1998  
45(I) of 1998  
15(I) of 1999  
37(I) of 1999  
38(I) of 1999  
129(I) of 1999  
30(I) of 2000  
43(I) of 2000  
77(I) of 2000

(3) Any act or behaviour constituting violence within the meaning of subsections (1) and (2) of this section or constituting an offence under sections 174, 175 and 177 of the Criminal Code, where committed in the presence of minor members of the family shall be considered as violence used against the said minor members of the family likely to cause to them mental injury. The said act or behaviour constitutes an offence punishable under subsections (4) of this section.

(4) Any person using violence within the meaning of subsection (1) commits an offence under this Law punishable, except for the case of common assault which is punishable with two years imprisonment and the case where a severer punishment is provided in another Law, with imprisonment of five years or with a fine of £3.000= or with both of these penalties.

4.-(1) The offences set out in the first column of subsection (2) below are committed by one member of the family against another shall be treated for the purposes of this Law as particularly serious and the Court when imposing sentence in the cases where the charge is based on the sections of the Criminal Code mentioned in the second column of subsection (2) may impose the increased penalties set out in the third column in lieu of the penalties provided in the aforesaid sections of the Criminal Code.

(2) The offences mentioned in subsection (1) above are:-

<u>Offence</u>	<u>Section</u>	<u>Penalty</u>
(a) Indecent assault on females	151	The imprisonment is increased from two to five years.
(b) Indecent assault on males	152	The imprisonment is increased from two to five years.
(c) Defilement of girls under thirteen years of age.	153(1)	The penalty of life imprisonment (the penalty remains without any change).
(d) Attempt to defilement of girl under thirteen years of age.	153(2)	The imprisonment is increased from three to seven years.
(e) Defilement of girl between thirteen and sixteen years of age.	154	The imprisonment is increased from two to ten years.
(f) Defilement of idiot or imbecile.	155	The imprisonment is increased from two to twelve years.
(g) Unnatural offence.	171	The imprisonment is increased from five to ten years.
(h) Unnatural offence with violence.	172	The imprisonment is increased from fourteen years to life imprisonment.

(i) Attempts	173(2)	The imprisonment is increased from seven to ten years.
(j) Grievous bodily harm.	231	The imprisonment is increased from seven to ten years or to the fine as provided or to both of these penalties.
(k) Wounding and similar acts.	234	The imprisonment is increased from three to four years.
(i) Common assault	242	The imprisonment is increased from one to two years or to the fine as provided or to both of these penalties.

Rape of wife by husband  
Cap 154.

5. Notwithstanding the provisions of any law, the offences of rape under sections 144 and 145 of the Criminal Code or the offence of attempted rape under section 146 of the same Code may be committed by a husband against his wife if the facts of the case would have constituted the offence of rape or of attempted rape had the victim and the perpetrator not been married and shall be punishable as the Criminal Code provides.

### PART III

#### Family Counsellors, Advisory Committees and Multidisciplinary Groups

Family Counsellor.

6.-(1) The Minister appoints welfare officers for the purpose of carrying out the duties of Family Counsellors for the better implementation the provisions of this Law.

(2) The Family Counsellor shall have the following functions:

- (a) to receive complaints relating to a possible use of violence and carry out the necessary investigations;
- (b) to advice, counsel and mediate for the solution of any problems in the family that are likely to lead or have led to the use of violence;
- (c) to make arrangements for immediate medical examinations of the complainant;
- (d) to file an accusation before the Police for the investigation of the possible commission of a criminal offence;
- (e) to carry out upon instructions of the Court investigations in relation to the financial state of the family in general and of the perpetrator in particular in cases where an inhibition order is contemplated;
- (f) to carry out investigations and make arrangements for the accommodation of the accused or of his family in case an inhibitions order is issued;
- (g) proceeds immediately to all the necessary arrangements for the medical or other examination of a child for whom there is a reasonable suspicion that he has been ill-treated by a member of the family or any other person;
- (h) any other function which the Minister may assign to him.

(3) The Family Counsellor in carrying out his functions may seek the assistance of any Government officer of or the Police or of any other appropriate person.

(4) The Family Counsellor in the execution of the duties referred to in paragraph (a) of subsection (2) of this section shall act, upon the written approval of the Director of Social Welfare Services, in accordance with the provisions of section 5(1) of the Criminal Procedure Law and shall apply the provisions of subsections (2), (3) and (4) of the same section to the same extent

41 of 1978  
162 of 1989  
142 of 1991  
9 of 1992  
10(I) of 1996  
89(I) of 1997  
54(I) of 1998  
96(I) of 1998

and in the same manner provided by that section.

(5) Where information is given or accusation is filed for the commission of the offence of violence against a minor, the Family Counsellor may, if he considers it appropriate bearing in mind the seriousness of the accusation or information, require the views, advice and opinion of the multidisciplinary group established under section 8 of this Law for the better handling of the case and to mention the incident to the Director of the Social Welfare Services.

(6) The Family Counsellor shall exercise the power vested in him by virtue of paragraph (g) of subsection (2) of this section after he has attained the approval of the person having the parental care of the said minor and thereafter report the case to the police. The approval of the person having the parental care of the minor is not required where the Family Counsellor is of the opinion that there is a reasonable suspicion that the minor has been ill-treated by the person having the parental care, provided that the General Attorney of the Republic is informed in writing about the incident prior to the medical examination of the minor or if this is possible immediately after the examination or under no circumstances not later than three days after the examination.

(7) (a) The Director of Social Welfare Services may exercise the powers vested in him by virtue of section 4 and other relevant sections of the Children Law or any other law substituting it in cases where the reasons for the exercise of the powers vested in the Family Counsellor by virtue of paragraph (g) of subsection (2) of this section concur.

(b) The Director of the Social Welfare Services may where the Family Counsellor is unable or refuses to exercise the functions mentioned in subsection (4) above or where the Director considers appropriate having weighed the seriousness of the case, act under the above subsection himself instead of the Family Counsellor or delegate the functions to another experienced officer of his Department.

7.-(1) An Advisory Committee is established for the prevention of violence in the family. In particular the Committee shall-

- (a) keep under constant surveillance the problem of violence in the family in Cyprus;
- (b) take all steps for the information and enlightenment of the public and of professional people using all media including special conferences, seminars and educational programmes;
- (c) promote scientific research in relation to the problem of violence in the family;
- (d) promote the operation of services necessary to deal with all aspects of violence in the family;
- (e) monitor the effectiveness of the related services and the application and enforcement of the relevant legislation.

(2) The Committee consists of persons which are appointed in their personal capacity by the Council of Ministers and have the necessary knowledge and experience on the problem of violence in the family. The persons appointed are selected from the public and private sector. The members of the Committee so appointed shall not exceed ten.

Cap 352  
83(I) of 1999.

Advisory  
Committee.

Appointees from the public sector are selected by the Ministries and Services mentioned in subsection (4) and the appointees from the private sector are selected by associations or organisations involved in the prevention of violence in the family, in equal proportion.

(3) One of the members of the Committee is appointed by the Council of Ministers as the chairperson who shall have responsibility to convene meetings and another person shall be appointed as an acting chairperson in the case of absence of the chairperson.

(4) The Ministries and Services mentioned in subsection (2) of this section are:

- The Ministry of Health;
- The Ministry of Justice and Public Order;
- The Department of Social Welfare Services of the Ministry of Labour and Social Insurance;
- The Legal Service;
- The Police.

(5) The Committee may engage personnel and have an Office.

(6) The Committee shall regulate its own procedure with internal regulations.

Multidisciplinary  
Group.

8.-(1) The Council of Ministers may by notification published in the Official Gazette of the Republic appoint persons having the necessary qualifications and experience as members of a multidisciplinary group for the purpose of giving advise, views, opinions and any kind of assistance with regard to the better treatment of victims of violence, either minors or any other class of victims.

(2) The members of the multidisciplinary group are nominated from a list of persons prepared and submitted to the Council of Ministers by the Minister.

In the case where the victim is minor the members of the multidisciplinary group shall be:

- a child psychologist;
- a paediatrician;
- a clinical psychologist;
- a welfare officer (a sociologist) of the Ministry of Labour and Social Insurance, responsible for matters relating to children.

Provided that the Minister shall have the right to include in the list any person possessing such other qualifications as the Minister may consider necessary.

(3) The Council of Ministers may include, in the notification by which the members of the Multidisciplinary Group are appointed or in a subsequent notification, regulations for the better functioning of the group.

#### **PART IV - Statements of witnesses and victims**

Statement to be  
taken by a police  
officer of the same  
sex.

9. Where the accusation is made at a police the statement of the victim shall be taken by a police officer of the same sex.

Video  
recorded  
statements.

10.-(1) Subject to the provisions of subsection (2) of this section, at the adjudication of offences of violence under the provisions of this or any other law, a video recorded statement may be submitted, upon the leave of the court, as evidence given to an appropriate person by any person who is a victim of violence or a witness of the commission of an offence under the provisions of this Law.

(2) For the implementation of the provisions of subsection (1) of this section, the following requirements and restrictions shall apply:

- (a) the video recording should concern the adjudicated act;
- (b) no leave shall be granted for the submission of a video-recorded statement if:
  - (i) the person, whose statement has been video recorded, is not able to appear before the court for a cross-examination (if this is asked under this section);
  - (ii) the court thinks, after taking into consideration all the circumstances of the case, that the interest of the administration of justice requires that the video-recorded statement should not be submitted.
- (c) the sound track of the video-tape in which the statement has been recorded shall be submitted transcribed and typed with the video recorded statement.

(3) Any declaration contained in the statement made, the video recording of which is admissible as evidence under this section, shall be deemed to have been made by the witness in direct oral evidence, therefore-

- (a) the above declaration shall be admissible as evidence of any fact that would have been admissible in a direct oral evidence,
- (b) no such declaration may be used as a corroborating evidence of other evidence given by the same witness.

(4) The application of the provisions of subsection (1) of this section shall not affect the power of the Court to exclude, in the interest of justice, any admissible evidence.

Rules for the taking of a video-recorded statement.

11. The rules for the taking of a video recorded statement are the following:

- (a) the name, address profession and capacity of the person taking the statement as well of the person operating the video camera shall be recorded before the commencement of the statement;
- (b) the place, date and time of the commencement of the taking of the statement as well the time the statement ended shall be recorded;
- (c) the name, address, profession and other particulars concerning the person who gives the statement shall be recorded;
- (d) declaration of the person taking the statement towards the person giving the statement to the effect that the statement shall be video-recorded and that it may be submitted before the court as evidence and declaration of the person giving the statement that he consents shall be video recorded;
- (e) the video-tape shall presented by the operator of the video camera who attests on oath that the video-recording renders truthfully the statement given and that nothing has been omitted or added which was said at the video recording or that no other alteration of the video recording has been made.

Power of the court to prohibit the presentation of part of the statement.

12.-(1) The Court during the examination of the application for presentation of the video-recorded statement may, if in its opinion the interest of justice so requires, order that certain parts of the video-recording should not to be submitted as evidence. The Court, in the exercise of its discretionary power shall take into consideration the possible harm that may be suffered by the defendant or any other defendant if the defendants are more than one and

whether this is outweighed by the benefit of releasing the video-recorded statement or part of it. The Court shall also take into consideration any pressures that may be exerted upon the witness so that to force him not to present and give evidence before the Court.

(2) The Court may order that parts of the video recorded statement or parts of the typed and transcribed sound track of the video-tape should be deleted if it thinks that they do not constitute admissible evidence or if it considers it appropriate at the exercise of its powers by virtue of subsection (4) of section 10 of this Law.

Chief examination with the leave of the court.

13. Where a video recorded statement is received by virtue of section 10 of this Law the person whose evidence has been video-recorded shall be called as a witness by the side which asked the presentation of the video- recorded statement and this witness shall be placed at the disposal of the other side for cross examination purposes. Subject to the provisions of section 19 of this Law no chief examination shall be made on the points covered by the video-recorded statement unless the leave of the court is granted.

Provided that where the witness is called to make a statement for purposes of cross examination the provisions of section 55 of the Criminal Procedure Law shall apply.

Direct reporting admissible as evidence.

Cap. 9  
42 of 1978  
86 of 1986  
54(l) of 1994  
94(l) of 1994

14. Without any prejudice to the provisions of section 10 of the Evidence Law, the reporting by a victim of violence to any police officer, Family Counsellor, welfare officer, psychologist, doctor, including a psychiatrist who is examining the victim, members of the advisory Committee, member of the Association for the Prevention of Violence in the Family or members of the close family environment of the victims within a reasonable time period from the commission of the offence, shall constitute evidence.

## PART V - Adjudication of cases and evidence

Speedy trial of cases of violence.

15.-(1) The Court may upon application by the Police issue a warrant for the arrest of any person accused for any act of violence within the meaning of this Law.

(2) A person who is arrested under subsection (1) is brought before the Court within twenty-four hours from his arrest in order to be charged with the offence of violence or for the issuing of an order for his remand in custody under section 24 of the Criminal Procedure Law.

Cap 155  
93 of 1972  
2 of 1975  
12 of 1975  
41 of 1978  
162 of 1989  
142 of 1991  
9(l) of 1992

(3) The investigation and trial of the case are being conducted without delay. The Court may at any time before the adjudication of the case either direct the detention of the accused or his release upon furnishing satisfactory security for his appearing before the Court at the trial of his case and also for his compliance with such terms as the Court may consider necessary to impose for the protection of the members of the family including a term prohibiting him from visiting or harassing in any way any member of his family.

14 of 1960  
50 of 1962  
11 of 1963  
8 of 1969  
40 of 1970  
58 of 1972  
1 of 1980  
35 of 1982

(4) The Attorney General of the Republic may give his consent for the trial by a President of a District Court or a Senior District Judge of any case of violence within the scope of this Law by applying the provisions of section 24 of the Courts of Justice Law.



29 of 1983  
91 of 1983  
16 of 1984  
51 of 1984  
83 of 1984  
93 of 1984  
18 of 1985  
71 of 1985  
89 of 1985  
96 of 1986  
317 of 1987  
49 of 1988  
64 of 1990  
136 of 1991  
149 of 1991  
237 of 1991  
82(I) of 1995  
102(I) of 1996  
4(I) of 1997  
53(I) of 1997  
90(I) of 1997  
27(I) of 1998  
53(I) of 1998  
110(I) of 1998  
34(I) of 1999  
146(I) of 1999  
41(I) of 2000

Corroborating evidence.

16. The Court may convict the defendant on the basis statement given by the victim only, provided that it was not possible under the circumstances to secure corroborating evidence.

Statement of a psychiatrist or psychologist.

17.-(1) Where a minor, during this examination by a psychiatrist or psychologist for purposes of evaluation or psychotherapy, mentions that he has been ill treated by any person, the statement of the psychiatrist or psychologist may be admitted before the Court as an exception of the hearsay rule.

(2) The Court shall not convict any person on the basis of the evidence mentioned in subsection (1) above, unless this evidence is corroborated in substantial issues by other independent evidence that may include expert evidence.

Prevention from intimidation.

18.-(1) During the adjudication of trials of cases of violence, the court –

- (a) shall order that the whole or part of the case be adjudicated in camera; and
- (b) may order, that the statement given by any victim of violence and any other person for whom there is a reasonable suspicion that his life might be in danger due to his statement given as a witness, or that his statement may be adversely affected, be taken in the absence of the defendant after the court has given the necessary instructions and all the necessary arrangements have been made so that the defendant will know the content of the statement of the witness and be able to cross-examine him.

(2) Without prejudice to the generality of subsection (1), the following measures may be adopted for purposes of protecting witnesses:

- (a) the use of a screen; or
- (b) the use of a dose circuit television, or
- (c) the use of any other means or system,

in such a manner so that the witness cannot be identified by the defendant. In order to safeguard the rights of the defendant the appropriate technological arrangements or other establishments shall be made so that the defendant will be able to listen to the procedure and instruct his lawyer.

Control of cross examination.

19. The Court may intervene during the cross examination of minors or other victims of violence and give the appropriate instructions in order to prevent them from being intimidated by questions put to them in an aggressive and intensive manner or by questions containing threats of any kind.

Compellability of spouses.

20. Notwithstanding the provisions of section 14 of the Evidence Law, the spouse of the defendant charged with an offence of trial within the meaning of this Law shall be a competent witness if the spouse is the victim of violence and a competent and compellable witness if the victim of violence is another member of the family.

#### **PART VI - Orders and treatment of the defendant**

Injunction for the removal of minor victims of violence.

21 .-(1) The Court may, during the trial of a case of violence where the victim is a minor, order the removal of the victim and his placing in a safe place or his placing under the care of the Director of Social Welfare Services of the Ministry of Labour and Social Insurance for such a period of time that the Court considers appropriate.

(2) The Court may issue an interim order for the removal of minor victims by applying the provisions of section 22 of this Law.

Interim Order Inhibiting the suspect or removing the victim.

22.-(1) The Court may, upon application by a member of the family or by the police or by the prosecutor or by a Family Counsellor or by other person acting on his behalf, issue an interim order for the inhibition of the suspect or for the removal of the minor victim until the filing and determination of a criminal case against the defendant who has been charged with the criminal offence of violence.

(2) The Court issues the order upon an application which is being accompanied by an affidavit sworn by the victim, or in the case of a minor victim by any other person having direct knowledge of the facts therein stated or by any other evidence tending to prove the use of violence including statements in any form of the victim or others, certificates, confirmations and other evidence by virtue of this or other Law.

(3)(a) The interim order is valid for a period not exceeding eight days from the day of its service to the suspect and shall be returned to the Court before the lapse of this period at the time and day specified by the Registrar.

(b) At the day and time specified by the Registrar the Court shall hear the suspect or/and every interested or affected person presented before the Court and shall decide whether it will terminate the validity of the order or extend it for a period not exceeding eight days.

(c) The Court may further extend the order for a further period of eight days, provided that the aggregate of the aforesaid period does not exceed twenty four days prior to the filing of criminal charges against the suspect.

(d) After the filing of criminal charges against the suspect, the Court may issue or extend an inhibition order or order for the removal of a minor until the final determination of the case.

Inhibition Order

23.-(1) The Court may issue against an accused person who is charged with an offence of violence within the scope of this Law an order for such a period and subject to such conditions as the Court may impose whereby the defendant is inhibited from entering or staying in the marital home. Such an order is called "an inhibition order".

(2) The requirements for the issue of an inhibition order are:

(a) to be proved to the satisfaction of the Court that the defendant has a

history of repeated acts of violence against members of his family or has at least two previous convictions in the last two years for similar offences;

- (b) the violence used have caused such actual bodily, sexual or mental harm as to endanger the life, integrity or sexual or mental health of the victims, or
- (c) the defendant refuses to submit himself to treatment for selfcontrol either imposed as a requirement in applying the provisions of section 33 of Criminal Code or otherwise.

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(3) When the Court issues an inhibition order, it fixes a day which in point of time is set before the expiration of the period of inhibition mentioned in the order, for the purpose of inquiring whether the order should be extended or varied.

During the aforesaid inquiry the Court hears the representations of the defendant, of the complainant and of any other person affected by the issue of the order unless they are minors and it is not considered expedient to testify against the defendant and hears also the representations of the appropriate services.

(4) The accused may apply for the revision or revocation of an inhibition order before it expires.

(5) subject to the provisions of subsection (6) inhibition orders shall be imposed in lieu of any other penalty or together with other penalties that the Court has the power to impose under any other law.

(6) The Court shall not make an inhibition order if at the same time it imposes a penalty of imprisonment for a period exceeding six months. Where imprisonment for a period not exceeding six months is imposed, an inhibition order may be made simultaneously with the penalty of imprisonment but it shall have effect after the defendant is released.

(7) Any person, against whom an inhibition order has been made, contravening any of the terms of the said order while the order remains in force shall commit an offence punishable with imprisonment of two years. The provisions of section 15 of this Law concerning speedy trial of cases of violence shall also apply when an offence is being committed in contravention of the provisions of this subsection.

Supplementary provision regarding section 23.

24.-(1) When the Court issues an inhibition order it shall take into account the ownership of the marital home and shall issue an appropriate order regarding the accommodation of the suspect or defendant or / and his family, as follows:

- (a) Where the accused has no share in the ownership of the marital home of more than one half, the Court does not inquire into the matter of accommodation for the accused but refers instead the matter for examination to the Family Counsellor.
- (b) When the accused has an undivided share of more than one half in the ownership of the marital home, the Court inquires into the matter of accommodation of the accused and gives such direction as it may deem necessary regarding the accommodation of the accused or his family or any member thereof.

(2) The Court when giving directions under paragraph (b) of subsection (1) above inquires among other things into the financial position of the accused and of his family in respect of the accommodation of the accused or of his family or any member thereof and affords the accused the right to apply to the Court within a fixed period of time for the change of the address of the marital home

for which the inhibition order applies, if he finds suitable home for his family.

(3) For the purposes of this section "suitable home" means a home which the accused may find for his family under subsection (2) above which must be such as to ensure the normal continuation and functioning of the family life in such home.

Probation order or suspension of imprisonment with special requirements. 46(l) of 1996

25.-(1) The Court, if it considers it expedient so to do, may in lieu of imposing any sentence on the defendant accept his request to place him on probation under the Probation and Other Means of Treatment of Offenders Law with a special requirement that he shall submit himself to treatment for selfcontrol by specialists or with other requirements as the Court may consider necessary for preventing the repetition of acts of violence.

95 of 1972  
41(l) of 1997

(2) If the Court thinks fit it may impose a term of imprisonment and suspend same under section 5 of the Sentence of Imprisonment (Conditional Suspension in certain cases) Law and to specify as a requirement of the supervision order the requirement defined to in subsection (1) above.

### **PART VII - Fund**

Establishment of Fund.

26.-(1) A Fund is established with the name "Fund for the Victims of Violence" for the purpose of effecting and promoting the objects of this Law. The Fund shall be a legal person with perpetual succession and a common seal of prescribed form and with power to acquire, hold and dispose property, to enter into contracts, to commence and defend actions or other legal proceedings and in general to do all things necessary for the purposes of its establishment, utilization and expansion.

(2) All the contributions, gifts, bequests and grants shall be deposited in the Fund.

(3) All the contributions to the Fund, of any form, will be considered to be made for charitable purposes.

(4) Unless a contribution is made for a particular purpose, the disposition of amounts deposited in the Fund shall be made according to the discretion of the Advisory Committee on the basis of the priorities and the programmes which the Committee shall at times prepare.

(5) There shall be paid out from the Fund amounts, for purposes of dealing with immediate needs, the finding of accommodation under section 24 of this law, the assistance of the victims of violence and for other purposes that the Committee with the approval of the Minister may consider appropriate.

Administration of the Fund.

27.-(1) The Fund shall be administrated by the Advisory Committee which shall specially meet as the Administrator of the Fund.

57 of 1972  
85(l) of 1997

(2) The Court of Competent Jurisdiction and the Attorney General of the Republic shall have and shall exercise in relation to the Fund the same powers that they have in accordance with the provisions of the Associations and Institutions Law, as if the Fund is a charitable institution and is registered in accordance with the provisions of the said Law.

Investments

28.-(1) Subject to the provision of subsection (2) of section, the Advisory Committee acting as the Administrator of the Fund may invest and utilize money of the Fund in any way that would consider necessary for development and expansion of the fund.

(2) Where the Advisory Committee intends to use money of the Fund for purposes of investment or its development and the amount that will be so used exceeds the one half of the total of the balance deposited in the Fund, the

Advisory Committee shall before doing so submit its decision to the Minister for approval.

Regulations. 29. The Advisory Committee acting as the Administrator of the Fund with the approval of the Minister shall make regulations for the better operation of the Fund, including the manner of disposing the resources and the property of the Fund.

Auditing 30. For purposes of auditing the Fund the provisions of section 39 of the Association and Institutions Law shall apply.

#### **PART VIII- Shelter and Offences**

Establishment and operation of a shelter. 31. A shelter may be established and operate for providing safe accommodation to victims of violence and where the shelter operates by virtue of a certificate of suitability issued under this section by the Minister, the victims of violence residing in this shelter shall have legal protection from any harassment.

Harassment of a victim and other person. 32. Where the defendant or any other person acting on his own or on the defendant's behalf harasses or intimidates a victims of violence or a witness in a case of violence or a relative of them in any place and in a manner which affects or could possibly affect the investigation or determination of a case of violence or causing mental unrest to a victim of violence or witness in a case of violence knowing that this person is a victim of violence or a witness in a case of violence, shall commit an offence punishable with up to three years imprisonment or up to one thousand and five hundred pounds fine or with both of these penalties and where the intimidation or harassment is committed against a victim residing in the shelter, the offence shall be punishable with up to five years imprisonment or with up to three thousand pounds fine or with both of these penalties.

Application of the provisions of section 15. 33. The provisions of section 15 of this Law concerning speedy trial shall also apply in the case of offences committed in contravention of the provisions of section 32 of this Law.

Prohibition of the disclosure of the victim's identity. 34.-(1) Where an accusation for an offence under this Law is made, the name and address of the victim of violence or of the complainant and of the person against whom the accusation is filed as well as any other data that may identify the victim shall not be disclosed or published by any means of communication or otherwise.

(2) Violation of the provisions of this section constitutes an offence punishable with up to two years imprisonment or with up to one thousand pounds fine or with both of these penalties.

Prohibition of delivery, receipt or publication of copies of statements to or from third parties. 35.-(1) Subject to the provisions of paragraphs (d) and (e) of section 11 of this Law, the delivery, receipt or publication of any statement of a victim or witness in a case of violence, regardless of the manner in which it has been received, by any person not related to the investigation, prosecution or determination of the case, shall be prohibited.

(2) Any person contravening the provisions of this section shall commit an offence punishable with up to five years imprisonment or with up to three thousand pounds fine or with both of these penalties.

#### **PART IX-Miscellaneous**

Budgets. 36.-(1) The Committee prepares budgets of income and expenses for the complete and effective execution of its functions and the objects for which it has been established which shall be approved by the competent Ministry and shall keep complete accounts.

(2) The income of the Committee consists of Government grants the amount of which shall be determined by the Council of Ministers.

(3) The Committee shall keep accounts and its accounts shall be submitted to the Auditor-General of the Republic for auditing in the same manner as the accounts in the Public Service are subjected to audit: Provided that the Auditor-General of the Republic may conduct the audit of the Committee whenever this is considered appropriate.

Annual Report.

37. The Committee prepares and submits to the Minister and to the House of Representatives an annual report regarding its activities as a Committee.

38.-(1) The Council of Ministers may make regulations for the better implementation of the provisions of this Law.

(2) Without prejudice to the generality of subsection (1), the Council of Ministers may issue Regulations for the registration, operation and any other matter relating to a shelter including the imposition of fees and rights.

Rules of Court.

39. The Supreme Court may publish rules for the better implementation of the provisions of sections 15,21,22,23,24 and 25 of this Law.

Repeal  
47(l) of 1994.

40. Upon the entry into force of this Law the Violence in the Family (Prevention and Protection of Victims) Law shall be repealed without any prejudice to the validity of any act, activity or appointment made by virtue of the repealed law which shall be considered as having been made by virtue of this Law.